

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA	)	
	)	Civil No. 4:18cv01467JAR
Plaintiff,	)	
v.	)	
	)	
2016 LAMBORGHINI AVENTADOR,	)	
VIN ZHWUR1ZDXGLA04692;	)	
MISCELLANEOUS JEWELRY.	)	
	)	
Defendants.	)	
_____	)	

**ELI ABRAHAM'S OPPOSITION TO MOTION FOR STAY**

Comes Now, Claimant ELI ABRAHAM by and through his undersigned counsel of record, Richard A. Schonfeld, Esq., of the law offices of Chesnoff & Schonfeld, and hereby files his Opposition to the Motion for Stay. This Opposition is made and based upon the following:

The Complaint for Forfeiture was filed on August 31, 2018. If a prospective Claimant that is known to the government chooses to litigate the propriety of the forfeiture, they must file a verified claim within 35 days of the service of the Complaint. See *Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions Section G*. If a Verified Claim is not filed, then the prospective claimant loses the ability to contest the forfeiture. See i.e., *United States v. Beechcraft Queen Airplane Serial No. LD-24*, 789 F.2d 627, 630 (The timely filing of a verified claim is "an essential and necessary element" of any claim in an *in rem* forfeiture proceeding).

Accordingly, once the time frame for the filing of a verified claim has expired, if no other claimants have filed a claim, then Eli Abraham will be the only claimant related to this vehicle.

Eli Abraham has made a claim to the vehicle to the extent that he is responsible for the debt associated therewith. In other words, Eli Abraham would agree to the forfeiture of the vehicle provided that the vehicle will be expeditiously sold and the lender is paid. Eli Abraham is not claiming any interest in the vehicle beyond that scope.

If this case is stayed, the debt associated with the vehicle will continue to accrue and the ability to satisfy the lien on the vehicle will diminish. In a criminal forfeiture action the forfeiture is not addressed until the conclusion of the criminal proceedings. See, *21 USC 853(a)*. For that reason, Eli Abraham opposes the requested stay.

Once the government has perfected service of the Complaint for Forfeiture and allowed the claim deadlines to pass, both the government and the court will be in a much better position to assess whether a stay is needed.

**DATED** this 16<sup>th</sup> day of October, 2018.

/s/ Richard A. Schonfeld  
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